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Dear Commissioners:

This commission continues to do an outstanding job. As I have said earlier, the commission's process of redistricting is far more transparent than any prior process in the State of Texas. The commission's ability to work as a unit is both encouraging as to what is possible without the self-interest of politics and effective as a decision-making tool. Each of you should be proud of what you have accomplished.

I am especially pleased that this commission has focused on the preservation of minority communities as this is by far the best way of preserving the opportunity of black and Hispanic residents of Austin to elect the person of their choice while also safeguarding against a lawsuit alleging racial gerrymandering. As we discussed in July, Section 2 of the Voting Rights Act remains applicable to what you are doing and prohibits splitting (or fracturing – a word that I dislike) a compact, cohesive minority community that if not split would be large enough to allow black or Hispanic voters the opportunity to elect the candidate of their choice even in the face of racially polarized voting.

Nevertheless, there are several actions that I have recommended and that have remained undone. I hope you will consider them.

Loss of Commission Credibility. One of this commission's tasks is to make its work transparent and understandable for the residents of Austin. Generally this commission has been very successful at this task.

However, this commission's use of a census table that shows demographics with 130% makes no sense to most residents and observers. This result, as carried forward on this commission's website and the media, is confusing and adversely affects how the public perceives the competence of this commission. **This result is not necessary.**

For whatever reason, this commission is using census tables (P1 and P3) that are best used in states with little or no Hispanic population. There is **no** advantage for this commission to use these tables in Austin. **Every jurisdiction in Texas uses census tables P2 (total population) and P4 (voting age population) because they provide the most realistic accounting of the Hispanic population and because the result is more understandable for the public because it always adds up to approximately 100%.**

You should direct Citygate to prepare the demographics for the commission's plan based on tables P2 and P4. Fred has said that he can do so. Sara Coppola has said that demographics showing 100% instead of the nonsensical 130% would make her life easier. Please make the change.

Functional Analysis. I cannot understand the reluctance to perform a functional analysis of districts 1-4. Such an analysis is almost certain to support the districts as drawn by the commission and overcome the questions raised by the apparent weakness of a District 1 that has barely 30% black population and Districts 2-4 that have only a small number of Spanish surname registered voters.

Basically, the purpose of a functional analysis (as explained by the courts) is to put the artificial analysis based on percentages aside and to focus on real world outcomes. I fully expect that a functional analysis will show that in past elections pitting black and white candidates the black candidate overwhelmingly wins the election precincts you have placed in District 1. Similarly, I suspect that a functional analysis will show that Hispanic candidates win overwhelmingly in Districts 2-4 when the election contest is between a non-Hispanic white candidate and a Hispanic candidate.

Perhaps the reluctance on doing a functional analysis is the lack of understanding of what is involved. If a lawsuit is filed, such an analysis would be complicated, involving an expert and a regression analysis. However, under the existing circumstances, a simple compilation of the results in appropriate elections in the precincts in the designated districts would give you and the public added assurance that the districts are fairly drawn.

Such an analysis would take only a few hours. I was told by the commission staff to go do such an analysis myself if I thought it was important and easily accomplished. Of course, any such analysis by me would be unofficial and inappropriate as a basis for action by this commission. I will gladly work with your staff on such an analysis, but I think your staff is fully capable of accomplishing such an analysis itself. I urge that you perform such an analysis of districts 1-4 of the commission's final plan.

Citizen Voting Age Population (CVAP) and Spanish Surname Registered Voters (SSRV). The CVAP and SSRV numbers will almost certainly be negative for districts 1-4. However, it is unwise to ignore the numbers because they are negative. It is far, far better to look at these numbers during the redistricting process and explain why they are not controlling of what you are doing than to confront these numbers later in litigation and have to answer how you knew the numbers existed but ignored them. I urge that you analyze Districts 1-4 of the final plan for CVAP and SSRV.

I have been a strong proponent of this commission and its work since the beginning. You have exceeded everyone's expectations. I ask that you take these few simple additional steps to protect what you have done and to make it transparent and understandable to the public.

Steve Bickerstaff